

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 7, 2009, which has been reviewed and carefully considered.

By means of the present amendment, claim 7 has been canceled without prejudice and its features included in independent claim 1. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1-6, 8-10 and 13-17 are pending in the application, where claim 7 has been currently canceled without prejudice. Claim 1 is independent.

By means of the present amendment, the specification has been amended to for better conformance with the drawings.

In the Final Office Action, claims 1-3, 5, 7-10, 13 and 16 are rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2001/0026122 (Snijkers-Hendrickx). Further, claims 4, 6 and 14-15 are rejected under 35 U.S.C. §103(a) over Snijkers-

Hendrickx in view of U.S. Patent No. 5,801,483 (Watanabe). Claim 17 is rejected under 35 U.S.C. §103(a) over Snijkers-Hendrickx in view of U.S. Patent No. 5,869,927 (Matsuo). Applicants respectfully traverse and submit that claims 1-6, 8-10 and 13-17, as amended, are patentable over Snijkers-Hendrickx, Watanabe and Matsuo for at least the following reasons.

On page 5 of the Final Office Action, the abstract and paragraph [0026] of Snijkers-Hendrickx are cited to allegedly show that the thickness of the protective layer is from 1 to 20 μm . It is respectfully submitted that the abstract specifically recites that "the transparent layer (16) has a thickness between 5 nm and 200 nm." (Emphasis added) Further, paragraph [0026] of Snijkers-Hendrickx specifically recites that:

said transparent layer has a thickness of approximately 5 nm to approximately 200 nm. At a layer thickness of more than 200 nm, excessive absorption of the radiation generated in the discharge space takes place. ... A layer thickness in the range from approximately 50 nm to approximately 90 nm is particularly suitable. (Emphasis added)

There is simply no disclosure or suggestion in Snijkers-Hendrickx of a protective layer having thickness from 1 to 20 μm .

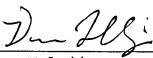
Rather, Snijkers-Hendrickx merely discloses a thickness of 5nm and 200nm, and states that a thickness larger than 200nm is not desirable, thus teaching away from having a thickness from 1 to 20µm, as recited in amended independent claim 1. Watanabe and Matsuo are cited to allegedly show other features and do not remedy the deficiencies in Snijkers-Hendrickx.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-10 and 13-17 should also be allowed based at least on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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